

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated November 2, 2009, has been received and its contents carefully reviewed.

Claims 21, 23 and 24 are hereby amended. Claims 1-20 were previously canceled. Claim 22 is hereby canceled without prejudice to or disclaimer of the contents contained therein. No claims are added. Accordingly, claims 21 and 23-26 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 21-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,450,868 to Young, Jr. (hereinafter “*Young*”) in view of U.S. Publication No. 2003/0168087 to Inui et al. (hereinafter “*Inui*”) and further in view of U.S. Patent No. 5,855,472 to Ravitts (hereinafter “*Ravitts*”). *Office Action* at p. 2, ¶ 3. The rejection of claim 22 is moot as claim 22 is canceled herein. Applicants respectfully traverse the rejection of the remaining claims and request reconsideration.

Independent claim 21 is allowable over *Young* in view of *Inui* and *Ravitts* in that claim 21 recites a combination of elements including, for example, “the air cap includes: an upper plate; a motor shaft through-sleeve extending upward by a predetermined diameter and height from the upper plate, the motor shaft through surrounding the motor shaft to be in close contact with the outer surface of the motor shaft; an outer wall extending downward from an edge of the upper plate; and an inner wall extending down ward from the bottom surface of the upper plate, wherein the inner wall is defined within the outer wall by being a predetermined distance away from the outer wall.” As admitted by the Office, “*Young* does not disclose the exact mechanism for sealing the lower portion of the housing” and “*Inui* ... does not teach an aircap.” *Office Action* at pp. 2-3, ¶¶ 3-4. Thus, *Young* and *Inui*, singly or combined, do not teach or suggest, at least, these features of claim 21.

Ravitts fails to cure the deficiencies of *Young* and *Inui*. The Office purports that *Ravitts*’ “item 54 reads on the shaft-through sleeve and upper plate.” *Office Action* at p. 3, ¶ 4. *Ravitts* discloses, however, that “the rotating seal element 50 ... is generally cone-shaped in configuration and includes an open bottom portion (or skirt 52) [and] a closed top portion (or collar) 54” where “the collar 54 of the rotating seal element 50 is attached to the shaft 26, and is

positioned above and spaced-apart from the open top portion 44 of the stationary seal member 40.” *Ravitts* at col. 4:39-46. Thus, even if one of ordinary skill in the art construed *Ravitts’* collar 54 as the “upper plate” recited in claim 21, *Ravitts* still fails to teach or suggest “an outer wall extending downward from an edge of the upper plate; and an inner wall extending downward from the bottom surface of the upper plate, wherein the inner wall is defined within the outer wall by being a predetermined distance away from the outer wall,” as recited in claim 21. Accordingly, none of the cited references, singly or in combination, teaches or suggests “the air cap includes: an upper plate; a motor shaft through-sleeve extending upward by a predetermined diameter and height from the upper plate, the motor shaft through surrounding the motor shaft to be in close contact with the outer surface of the motor shaft; an outer wall extending downward from an edge of the upper plate; and an inner wall extending downward from the bottom surface of the upper plate, wherein the inner wall is defined within the outer wall by being a predetermined distance away from the outer wall,” as recited in independent claim 21.

For at least these reasons, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of independent claim 21. Claims 23, 24 and 25 depend from independent claim 21. It stands to reason that the 35 U.S.C. §103(a) rejection of those dependent claims should be withdrawn as well.

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Young* in view *Inui* and *Ravitts* further in view of U.S. Patent No. 6,659,243 to *Yasuda* (hereinafter “*Yasuda*”). *Office Action* at p. 3, ¶ 5. Applicants respectfully traverse the rejection and request reconsideration.

Yasuda fails to cure the deficiencies of *Young*, *Inui* and *Ravitts* with respect to independent claim 21. Indeed, the Office only relied upon *Yasuda* to purportedly disclose “a shaft seal 14 with multiple lips (41 and 45) that firmly press to the shaft.” *Office Action* at p. 3, ¶ 5. Because none of the cited references, either individually or in combination, teaches or suggests each and every element of independent claim 21, they also fail to teach or suggest each and every element of claim 26, which depends from claim 21. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 103(a) rejection of claim 26.

CONCLUSION

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

Respectfully submitted,

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By: _____ /*Rosiland S. Rollins*/ _____

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